

**Town of Milton  
Planning & Zoning Meeting  
Milton Library, 121 Union Street  
Tuesday, March 20, 2012  
7:00 pm**

**Minutes are not Verbatim  
Transcriptionist: Helene Rodgville**

1. Call Meeting to Order
2. Roll Call of Members

Bob Heinrich	Present
Lynn Ekelund	Present
Tim Nicholson	Present
Linda Edelen	Present
Don Mazzeo	Present
3. Additions/Corrections to the Agenda  
Don Mazzeo: Do we have any additions or corrections to the Agenda as it has been posted?
4. Approval of agenda  
Don Mazzeo: Seeing none.  
Lynn Ekelund: Move approval of the agenda.  
Tim Nicholson: Second.  
Don Mazzeo: All in favor say aye. Opposed. Agenda has been approved.
5. Approval of minutes of May 17, 2011  
Don Mazzeo: We need an approval of the minutes of February 21, 2012. Everyone having seen these prior to this evening's meeting?  
Bob Heinrich: Yes. Motion to approve.  
Lynn Ekelund: Second  
Don Mazzeo: All in favor say aye. Opposed. Motion is carried.
6. Business
  - a. **Heritage Creek Subdivision Revision**  
Discussion and possible vote on an application from Fernmoor Homes at Heritage Creek for the revision to the subdivision record plan for Phase 2B of Heritage Creek originally identified by Sussex County Tax Map and Parcel # 2-35-20.00-56.00  
Don Mazzeo: Do we have a representation here from Heritage Creek/ Fernmoor Homes?

Mike Kobin with George, Miles and Buhr: Good evening. We're the Project Engineer and I have with me Ben Gordy from Ocean Atlantic Management.

Don Mazzeo: Mike, tell us what you want to do.

Mike Kobin: Alright.

Don Mazzeo: What you're thinking about doing. Robin, are there a set of these plans in the back for the public?

Robin Davis: Yes.

Mike Kobin: Hopefully you have the booklet of supplemental information. If you don't, I have copies. What we're asking you for this evening is that Phase 2B of Heritage Creek is the area directly above the existing development as you come in the entrance boulevard; this will just be a continuation of that. If you look on the first page of the booklet, on the left hand side, it shows you that there's a red line around the area; that was the original Phase 2B. It's not real easy to pick out the line.

Don Mazzeo: It's where the community center is identified in the center, in white.

Mike Kobin: That was the original Phase and what we're asking you for this evening, is this now. The original Phase 2B was 14.08 acres; it had 30 single homes; 12 townhouses and 8 duplexes in it. What we're asking for here is 7.21 acres; it's a little bit scaled down and the mix of units there's a little more variety in here. You've got 12 single families, 9 duplexes and actually, there's a typo in your copy; it should be 9 triplexes and 6 duplexes, for a total of 27 units.

Tim Nicholson: Would you repeat that again, please?

Mike Kobin: It's 12 single family homes, 9 triplexes and 6 duplexes, 27 total. Of course, the total number will still not exceed 425; we're not asking for any change there.

Don Mazzeo: Now would I be correct in assuming that you're adding triplexes that were not previously indicated?

Mike Kobin: There were 3 unit blocks in the other plan, but this particular building didn't exist at that point. This is a new product. If you flip to the next page, there's a rendering there, to give you an idea of what that will look like.

Lynn Ekelund: Excuse me, just to follow up on that; you're saying that the building on the next page, this triplex unit that you identify as a new product is replacing triplexes that were in Phase 2B?

Mike Kobin: Yeah, they were more like typical townhouse units, if I...

Lynn Ekelund: But they were triplexes as opposed to duplexes?

Mike Kobin: There were three unit blocks in there, yes.

Lynn Ekelund: Okay. I wasn't on the Planning & Zoning Commission at the time that Heritage Creek was approved, so...

Mike Kobin: If you go back to that previous page, in green, there was a three unit there and on the top there.

Lynn Ekelund: Okay, but, there were triplexes, just not the triplex that's...

Mike Kobin: They were identified as townhouses in that plan.

Lynn Ekelund: Okay.

Don Mazzeo: Nomenclature has changed; but the basic concept is the same.

Mike Kobin: Right. Right. The triplex would technically be considered a townhouse, any more than two units.

Lynn Ekelund: Okay.

Mike Kobin: But it's a little different concept. Ben might be able to explain.

Bob Heinrich: Maybe about the same square footage, as well? Just roughly.

Ben Gordy with Ocean Atlantic Management: [The original townhouses we actually never designed them, so they were shown on the plan as a townhouse building, but we didn't design the products and we don't know the square footage, but I can give you the square footage of these new ones; hang on one second. There's three different types of units. They range from 1,940 heated square feet to 2,048 heated square feet. They're all three bedrooms, 2-1/2 bath and these units can also be used as the duplex building; so if you wanted to do a duplex, two of these units will make a duplex; three will make the triplex.

Bob Heinrich: I'm a little confused. Are the units designed to be either triplex or duplex?

Ben Gordy: Yes, the architecture of these it could be a triplex or a duplex. If it's a duplex, you just basically combine two of the units together; if it's a triplex, you combine all three.

Bob Heinrich: What's shown on the plan?

Ben Gordy: Duplexes and triplexes are shown on that plan.

Bob Heinrich: How are they distinguishable?

Mike Kobin: If you... It's easier to show you.

Bob Heinrich: Okay. Triplex. Single. Okay, thank you.

Lynn Ekelund: But, excuse me, could you just come back for one more second? So is the unit back here that is the triplex, that also can be used as a duplex? Is that the unit that's going to be in the amended 2B for both the duplex and the triplex on the site plan?

Ben Gordy: Yes, basically, if you... So for the duplex and you can see there are three different units; actually I have copies of the floor plans, if you guys want to take a look at them; but it's basically Type A, Type B and Type C; so a duplex can be either a Type A and a Type C or a Type C and a Type A; Type A Type A; Type C Type C.

Don Mazzeo: And a triplex would comprise all three units?

Ben Gordy: Yes, a triplex will comprise of...

Don Mazzeo: It could duplicate A A B, A A C.

Lynn Ekelund: Gotcha.

Ben Gordy: The triplex will always have the B unit in there, so it could be A B A, or it could be A B C and the elevation is going to kind of vary, so no two buildings are going to look exactly alike.

Tim Nicholson: So when you have 9 triplexes and 6 duplexes, that won't change. In other words, it could never be; the numbers will be correct.

Ben Gordy: Correct. Yes.

Tim Nicholson: Correct. That will be what it is.

Ben Gordy: Yes.

Tim Nicholson: Okay.

Don Mazzeo: Any other questions, at this time? Can we move on? Okay.

Bob Heinrich: Once again, I would just like to clarify for myself; the existing Phase 2B is showing a total of 50 units and the proposed Phase 2B is showing 27 units; of combined single family homes, triplexes and duplexes?

Ben Gordy: That's correct.

Bob Heinrich: So you're effectively reducing the number of units for the property?

Ben Gordy: Yes.

Don Mazzeo: And reducing the size of the area from 14, down to 7, approximately?

Bob Heinrich: Lots.

Don Mazzeo: Acres.

Tim Nicholson: And the rest of the acres will go into the next phase? Is that the idea?

Lynn Ekelund: And what's going to happen to the rest...

Mike Kobin: Yes, those would shift in in Phase 3.

Lynn Ekelund: That was my question, as well.

Mike Kobin: We'll be coming back to you with a Master Plan for the rest of the development.

Don Mazzeo: Carry on, Sir.

Mike Kobin: Alright. The other piece of this that we'll be asking you to approve, is just basically the area for the amenity area. We've shown a layout, but we will come back with a detailed site plan for that area, so what you see there, the scale of the amenities is accurate, but otherwise the layout is really a picture at this point.

Don Mazzeo: I suppose the most urgent question that I have is, why are you requesting this change to start with? You already have 14 acres, you already had 50 +/- units, what is your desire, why are you coming here to change it?

Mike Kobin: The original 2B was heavily loaded with single families and the desired to move into the next phase, but they wanted to have a little more variety on the boulevard, then what was envisioned in the original. So, basically, what we have is enough here to get them going on the next phase, while we go through the engineering and the approvals on the rest.

Don Mazzeo: It's a fair response. Thank you. Other questions?

Mike Kobin: Thank you.

Don Mazzeo: I'm gathering that's all that you're going to present to the Commission this evening for our review at this time?

Mike Kobin: Unless you have any other questions, that's all.

Lynn Ekelund: Then I just have two comments.

Mike Kobin: The only other thing I wanted to mention is that we have reviewed Mr. Kerr's comments and we concur with those. There are no issues there.

Lynn Ekelund: Before you sit down and this is just probably a matter of housekeeping, although you're the new folk, you might not be as aware as I00, that the sewer is no longer a public sewer system; it is a private sewer system and you have on number 600, that you're going to dedicate the sewer infrastructure to the Town of Milton. Tidewater is the private sewer system.

Mike Kobin: Yes and that will be reflected on the construction plan.

Lynn Ekelund: All I'm doing is pointing out that what you've submitted to us contains an incorrect statement.

Mike Kobin: Those are the conditions that were carried forward from the original.

Lynn Ekelund: And it's also here under your site data table, so you might want to, when you submit, change that. It's kind of a sore subject.

Mike Kobin: Absolutely. Thank you. Mr. Kerr wouldn't let me get away with that.

Bob Kerr, CABA Associates, Town Engineer: I let him get away with it on the left side of the page, because these 20 conditions were approved by Planning & Zoning and Mayor and Council some time ago, when the project started; so these 20 conditions are more or less cast in stone; we don't mess with those. I missed it on the site data and it needs to be changed there; but, one of the conditions was that it be tied to the system and everybody realizes that it's not the town's system at this point.

Lynn Ekelund: Okay.

Don Mazzeo: And while Mr. Kerr has the microphone in his hand, I would like his input on this particular application this evening. We have a letter dated March 14<sup>th</sup>, with, I think, it's like 14 points; perhaps we don't need to go one by one; give us the gist of what you have put there and as I have just heard, the Applicant apparently has agreed with everything that you have written.

Bob Kerr: Thank you, Mr. Chairman. This has gone through the entire process before and to be is a recorded site plan; excuse me, a recorded subdivision; this is coming back and asking for some changes. In discussions before it was submitted, it was very close to something that probably could have been handled between administratively and just with the Mayor and Council action; but to make sure that everybody was aware

of what was going on, Robin and I said no, we're going to come before you and get this straightened out, so that when we do start construction, all the drawings are one and the same for what's going on. There will be changes to the Master Plan. In our earlier meeting, Robin and I more or less decided, we did not feel that this was a major change to the Master Plan requiring all of those types of revisions. The decision is yours to make, but that was the recommendation of Robin and I and rather than coming to you one month asking for that, and then coming back and submitting, we rolled the dice and hoped that you would agree with our assessment of that; with the understanding that when they do come in for the next Phase, they are going to have to revise the Master Plan for the entire site.

Don Mazzeo: That was what I needed to hear said this evening. The entire Master Plan will be revised when they return.

Bob Kerr: Yes.

Don Mazzeo: Thank you. And generally was there anything of... Everything is of significance, certainly, but...

Bob Kerr: I think it's been covered. If you have any questions on the Memo, rather than me reading it at this point, there were two things that I did not cover; three things that I did not cover in it; that I realized after I sent it out. I was going to make a revision Memo today and that didn't happen. The paving shown on one of the sheets; the paving cross-sections are the same as previously submitted for the earlier sections and the parking does meet the town ordinance and/or the conditions that were placed upon the development. The only other question and with Ben here, I'll ask him to comment on that, is that under the Owner's Certification it has that you're signing it. Are you... I just want to make sure that you're authorized for the Owner to sign that and I turn to Seth, also, to make sure that when we get to the next step of record drawing, that the correct signature be provided.

Ben Gordy: Yes, before we submit; if it's my signature on there, I will make sure we get you some sort of Resolution that authorizes me to sign and if not, we'll have someone from Fernmoor sign.

Bob Kerr: Okay, just wanted to make sure when we got to that last step that that wasn't a hold up. And other than that, unless you have any questions, I...

Tim Nicholson: I have a question. Who is Fernmoor Homes? I've never heard of Fernmoor Homes.

Ben Gordy: They're actually the new developer of the project. The original developer was named Carey Communities; Ocean Atlantic was hired to act as Project Manager. Back in October; the project was sold to this group named Fernmoor Homes and in turn they hired Ocean Atlantic back to act as Project Manager, and hired Schell Brothers to be the contract owner.

Tim Nicholson: So Schell Brothers is going to continue to build in there and there's this Fernmoor Homes is not...

Ben Gordy: Yes. No, they're just the legal entity that owns it. They're based out of New Jersey; as far as we know, they don't have any plans of moving down here and building homes.

Tim Nicholson: Okay, thank you.

Linda Edelen: Just a clarification on Number 10, which has to do with the clubhouse, or the community center. You're seeking approval for that area, but you'll be coming back with a separate site plan for the building and the parking in the future?

Ben Gordy: Yes, before we submit for final site plan approval, we'll have construction drawings for that amenity layout.

Don Mazzeo: And that will be reviewed by our engineer and/or Robin, internally.

Linda Edelen: Thank you.

Bob Kerr: To clarify that a little bit, it will come back as a separate site plan and go through the entire process much like we are doing for the Dogfish; that's a site plan, so it goes through meeting with you, then construction drawings, then your approval.

Don Mazzeo: A Public Hearing, etc. Okay. Any other questions from the table?

Lynn Ekelund: I have a question. On your Point 11, Bob, a portion of Lots 15, 24 and 52 used to be a common area with a walkway that extended between the stormwater ponds. How is that going to be addressed? I know you said you agreed with everything he said, but...

Mike Kobin: There was just a little piece of walkway that was left over that needs to be removed from the plan, if I understood that.

Bob Kerr: Well my comment was that I wanted Planning & Zoning to know, whereas there used to be a walkway that extended from one stormwater pond to the next, it's my understanding with all the other sidewalks provided, that that stretch of open area, with a sidewalk running through it, will systematically be eliminated and you will see that on the Master Plan when it comes in. By the action of Phase 2B, it will be eliminated and then in other areas it will be eliminated as the process goes on.

Lynn Ekelund: Gotcha. Thank you.

Don Mazzeo: Any other questions from the Commission? Seth are there any legal issues that need to be addressed?

Seth Thompson: No, I don't believe so. Again, the key is that they've met all of the requirements and we've obviously gotten the Town Engineer's input on that, which is good.

Don Mazzeo: Hearing no other questions, comments or concerns, I'll entertain a motion.

Bob Heinrich: I'll make a motion to accept this Applicant's submission for

Preliminary Plan Approval and follow up with final submittals at a later date.

Don Mazzeo: With Memorandum from Town Engineer.

Bob Heinrich: Right.

Don Mazzeo: Alright, we have a motion on the table to approve this application, the change. Do I hear a second?

Lynn Ekelund: I'll second.

Don Mazzeo: All in favor say aye. We better do a roll call vote, starting with my far left:

Bob Heinrich

Yes

Seth Thompson: Then again, I'm sorry. I just want to make sure that we have all the elements of the motion here. So again, preliminary approval.

Bob Heinrich: I'll start it again. I make a motion to accept this request for Preliminary Approval to revise the site plan and follow with the recommendations per the engineer and legal counsel.

Seth Thompson: And is that also...

Bob Heinrich: And to follow up with final submittals at a later date.

Seth Thompson: When you say final submittals, do you mean recording a Master?

Bob Heinrich: Final site plan. Final site plan.

Seth Thompson: So, did you also want the motion to include the fact that the changes would be reflected on a subsequently recorded Master Plan?

Bob Heinrich: Yes.

Seth Thompson: Okay, great.

Don Mazzeo: With those modifications as listed, do I hear a vote from Robert?

Bob Heinrich

Yes, I vote yes.

Don Mazzeo: You may make comments above that, if you so desire.

Bob Heinrich: I think they've done a good job in providing the details that we need to make this decision for them to move ahead with their plans so they can grow and prosper; which is the best that Milton could ask for.

Tim Nicholson: And with the final submission there will be opportunity for public comments, at that point?

Don Mazzeo: There will be a Public Hearing; not on this.

Tim Nicholson: Okay. What's the Public Hearing on?

Don Mazzeo: It will be on the final.

Tim Nicholson: Final. Okay.

Don Mazzeo: Robin?

Robin Davis: When they come in for the site plan review for the clubhouse area, then there will be a Public Hearing, a noticed Public

Hearing, which letters in the newspaper have to go out and the letters to residents within 200' of that clubhouse; but there will be no Public Hearing for this portion at final.

Bob Kerr: Robin, I'll just need... I know there isn't before Planning & Zoning, is there before Mayor and Council before it's accepted; and I should know the answer to that, but I don't?

Robin Davis: I don't know on the revision portion of it. I don't think there is.

Don Mazzeo: Seth, do you have any input on that? I see the book in front of him, he must have something to do.

Seth Thompson: The question becomes whether it's a modification, I guess; and you have your subdivision ordinance and that's your Chapter 188 and 220. Since we're really dealing with a subdivision, it's really a modification; 188-34 looks to require the Town Council's approval.

Bob Heinrich: Do we need to resubmit a motion or are we taking a vote? Where are we right now?

Don Mazzeo: We do have a motion on the table...

Lynn Ekelund: That has not been seconded.

Don Mazzeo: Well, it was.

Lynn Ekelund: The first motion you made was.

Don Mazzeo: Alright, Madame Secretary...

Lynn Ekelund: I will second the second motion that Mr. Heinrich made.

Don Mazzeo: Okay, we now have a second to the motion. Roll call vote:

Bob Heinrich	I vote yes for the reasons aforementioned.
Lynn Ekelund	Yes
Tim Nicholson	Yes
Linda Edelen	Yes
Don Mazzeo	Yes

Don Mazzeo: And with that, the motion is carried. There's nothing else is going to happen for the public, per se.

John Oates: There were a lot of issues that we have to address.

Don Mazzeo: Unfortunately, this was not a public meeting, a Public Hearing. This was just a request by the Applicant to have a modification done to their plans for a specific subdivision.

John Oates: It kind of implies that it's incumbent on you guys, then, to ask those questions, such as a reduction in the size of the community center, which was never mentioned. One of the issues on the plan, concrete driveways, for example. There are no concrete driveways in our development. Maybe they're planned for Phase 2B, but that would be very surprising and other issues.

Don Mazzeo: Those are specific to the site plan; not to the subdivision...

This was just a subdivision revision. It had nothing to do with the...

John Oates: But you mentioned it as being presented, it incorrect and you're accepting it as correct.

Don Mazzeo: There is nothing final yet. All this did was allow that Applicant to change the size and the complexion of that, from 14 to 7 acres and the type of buildings that were being able to be placed upon there. We did not see the Final Plans of the actual layout, nor did we see the actual design or any of the construction type for the amenities, as they're commonly called here, your clubhouse. That was not part of this presentation, nor was it part of the application. That will come later.

John Oates: Okay, the information that's presented on these schematics then, is simply not relevant. That's what you're telling me?

Don Mazzeo: It's relevant for the purposes of generalization, but nothing will become final until it goes to a final review by this Commission and ultimately, back to Town Council.

John Oates: Okay, so we should just overlook the inaccuracies on the schematics and assume they'll be corrected at some point.

Bob Heinrich: Mr. Chairman, I think that the applicant has already indicated that the designs are preliminary at this point and not specific and that the buildings are just shown as a representation and that the final plan will contain all of the details that the Chairman is speaking to at this point and that will be the time; correct me if I'm wrong; that the public will have a chance to comment on the final submittal and you'll be invited... Well, you'll know that we're having a meeting to come and discuss those plans. Does that make any sense?

John Oates: Well, what's puzzling me is it seems that you have all this information submitted; I assumed that was going to be what you based your decision on; but you're saying the details of this information that's been submitted, is not relevant at this point in time.

Don Mazzeo: Correct.

John Oates: That is correct?

Bob Heinrich: This is a preliminary approval.

Don Mazzeo: This entire conversation is totally off the record, you understand that. This is not a Public Hearing.

John Oates: I appreciate the information. Thank you.

Don Mazzeo: You're welcome.

**b. Procedures and Policies**

Discussion and possible vote on changing and/or adding procedures and policies of the Planning & Zoning Commission

Don Mazzeo: Okay, moving on to the next item of business on our agenda this evening, if I can find my agenda, that is. We do have two new members to our Commission, excuse me; and I would like to have them, at least, ask the current membership if there's anything that we, current

folks, can help you with or anything that you would like to see different from what you've seen in the past; perhaps you've not seen things in the past. If you read this, it says a discussion and possible vote for changes or additions to procedures and policies of this Commission. So if you have; anybody and everybody, it's an open discussion at this point, except for our professionals.

Robin Davis: Mr. Chairman, if I may first, what I did is I put this on the agenda as an agenda item. Sometimes in the past the Commission has gone over, even minor things as what time are we going to have our meetings? With two new members and I think, probably, actually, all five new members since the last time we had a discussion like this; some of the members in the past have said can we start at 6:30; can we start at 6:00; can we start at 8:00 – it's just questions like that, sometimes, we put this item on the agenda just in case anybody asks for discussions or if they see things that might need to be corrected or have any kind of questions that could be asked of our engineer and our solicitor.

Don Mazzeo: Well, actually, I have one thing more for you, Robin. When we put the agenda together, typically when we have the Public Hearing, we seem to put public comments first and then the applicant's presentations. Is there any reason why we can't reverse that in a formal fashion on the agenda? Or is there something written in our Code that says we cannot do that.

Seth Thompson: No, you can have the Public Hearing afterwards. That's absolutely fine. Honestly, FOIA allows you to take things out of order on the agenda, as well. We should put the notice on the bottom.

Robin Davis: It is.

Don Mazzeo: It is there. It is there. But as a routine process I would like to see the applicant's presentation prior to the public comments; because their comments, typically, are being answered, at least in portion, by the presentation by the applicant. In many cases, the applicant doesn't say a thing until they've already asked all their questions. He may have missed some of the parts he wants us to hear and he's going to be talking towards the public's comments. I would rather the other way around, personally.

Robin Davis: So you would like it to show business first, then Public Hearing after the business.

Bob Heinrich: I would agree with that.

Robin Davis: But then you're going to have to go back...

Seth Thompson: You'll have to put business back on again.

Don Mazzeo: Back on again.

Robin Davis: Because once you have your Public Hearing...

Bob Kerr: Haven't we, the last couple of times, and I'll go back to just the last one, was Dogfish; they made their presentation; we took comments, pro and con and then moved into Business, where you asked additional questions of Dogfish.

Robin Davis: Yes, but basically the introduction of the application was presented at the beginning of the Public Hearing.

Bob Kerr: Right.

Don Mazzeo: Alright, so basically, then we can keep it just the way it is, as long as there is a method in place for us to change that agenda line item.

Bob Kerr: Some jurisdictions have a requirement that they don't let the Applicant speak more than once; so that when he makes his presentation at the beginning and sits down, that's it; even to the point of now allowing them to answer questions later on. Sometimes that's good in that you don't get the people vs. Applicant discussion, because it really should come through.

Don Mazzeo: The back and forth. That has to be made very clear from the table, that the questions, comments coming from the public, must be addressed not to the Applicant, but to the table. Then, if we at the table, feel that it is a legitimate question/comment, we then go back. I do not like having the Applicant speak once and once only. I would much rather hear as many times as possible, without being ridiculous, so that everyone in the room hears what they want and needs to get their answers before they depart.

Bob Kerr: Also, I believe it was the Dogfish rezoning that some members of the public got up several times, which you may want to reconsider.

Robin Davis: I think that was at Council.

Bob Heinrich: It does all blend together after awhile.

Don Mazzeo: If, for whatever it's worth, that were to occur here, I would resign. But are there any other questions? Yes, please.

Linda Edelen: I just want to generally thank the support that I got, from people like Robin, when I joined up.

Don Mazzeo: When you signed your life away?

Linda Edelen: Yes. He was extremely helpful; you probably know this, but he took me on a tour of Milton, which was very helpful.

Don Mazzeo: He must really like you.

Linda Edelen: The other thing, the packet included, this is all good stuff; the packet included a lot of information and that was very helpful and we got it in plenty of time, also great; and the Memo from the Engineer was really helpful.

Don Mazzeo: Wait until you get to a really big, involved one. Wait until you see Bob's memo then; it's 14 pages long.

Linda Edelen: Can I restructure that? I just wanted to... I forgot to tell you. This morning I had questions so I called and harassed Robin and he just answered all my questions. I mean, you have great people and this was very nice.

Robin Davis: And to lead into what Linda was saying, we have had discussions in the past with some of the previous Commissioners in

reference to the amount of material that is supplied to them. We always run into the big issue, when, in between Preliminary Site Plan and Final Site Plan; some of the construction drawings can be relatively thick. I think Heritage Creek, during the original portion, I think probably was somewhere into 100 pages maybe; it seemed really, really... It was like an inch, or inch and a half thick. One of the previous Commissioners, several years ago, felt that Commissioners needed copies of that; so after several years later, when the thick copies; the question was asked, why did I get all this information that I didn't really get a chance to look at or didn't even know what I was looking at? That's another thing we can probably look at; does the Commission really feel like they need? All that information is being reviewed by, again, read by myself, but more by the Town Engineer and again, he will make a comment if it is complete or not.

Bob Heinrich: Robin, can I address that, because there was a specific instance during the Dogfish Head meeting last month, where we questioned the lighting plan and I hear what you're saying. I mean, we don't want a complete set of construction documents, but it's nice to know that the documents you've got, are specific enough so that you can look at them and understand... I had no clue what the lighting layout was and I think several of us didn't until it was pointed out specifically by one of the engineers and I guess, what I'm trying to say is, I don't know where you draw the line. That's the problem.

Robin Davis: Well, the lighting plan and the landscaping plan are a little different; that's usually a one page deal. What I'm dealing with, what Bob deals with, it used to be when we had the sewer; there might be 20, 25 pages of sewer details showing the depth of the sewer lines in certain sections and things; the type of materials; what the manhole cover looks like; the same thing with the water infrastructure and all that. I don't know.

Bob Heinrich: We don't need that level of detail.

Robin Davis: Bob can probably give you a little bit more in depth what he gets in the construction drawings.

Bob Kerr: For a typical site plan, and we'll use the Dogfish example that you just reviewed; there were maybe 12 sheets in what they submitted. What I just got in, they maybe added two sheets to that and that's not too bad to give back to you. The Phase 2B, before it was 2A and 2B, was one set of drawings and as Robin said, was probably over 100 sheets; then there were 3 or 4 additional sheets that were bound separately, that were the actual record plot, which gets approved by you; you recommend to Mayor and Council to approve it and that's what gets recorded in Georgetown. That is something that I feel you should see, before the final approval. The construction drawings, it could be 100 sheets that only an engineer could enjoy looking at.

Bob Heinrich: That's what we rely on you for. I know that you enjoy looking at that.

Don Mazzeo: And that's where I would like to take this particular conversation. How many at this table, on the Commission, actually know how to read a set of construction drawings?

Bob Heinrich: I can read them.

Tim Nicholson: I'm limited.

Don Mazzeo: The answer is probably not enough to warrant going through the hundreds of pages.

Bob Heinrich: No, I agree.

Don Mazzeo: There should be perhaps, one copy available to all of the members, whether it be in Robin's area, someplace in Town Hall so we would then have to make an appointment to get to see it. Robin come in any time here. Rather than generating 100, 200, 300, 400, 500, 600 of pages at some ridiculous expense, minimize those drawings down to the fact that I need at minimum; we all need at minimum; and I say I as a table here; what is this that we're looking at? Are we looking at a one lot development; or are we looking at a 600,000 unit development? Put it into perspective. Do I need the elevations and contours; personally I do, I like to see that. I like to know where the water used to be and where it might be going. Not everybody can read that. But that's neither here nor there. So what I'm looking for is between Robin and Bob that we come up with some kind of a minimum checklist, if you will, depending upon the type of application we're looking at. We don't need to see the sewer lines, quite honestly. I don't need to know where the fire hydrants are; that's what the professionals are especially designed to know and understand and make sure it meets all the criteria.

Tim Nicholson: I have a question, really on a different subject, that has to do with who decides whether or not there will be public comments and how is that done? Who makes the decision?

Don Mazzeo: That's actually Code.

Seth Thompson: It's important to understand that there's a Public Hearing, any meeting that involves a quorum and discussion of a public matter, needs to be an opened meeting. There are a few exceptions where you can have an Executive Session, but those are the exceptions. So everything is an opened meeting. Very often, even if we're not having a newspaper noticed Public Hearing, the Commission deem it worthwhile just to receive public comments.

Tim Nicholson: Right. Like Dogfish Head, the meeting we had in February, there were people that got up and voiced their opinions.

Seth Thompson: That's right and that was based on the Code.

Tim Nicholson: Okay.

Don Mazzeo: Tim you're asking, like tonight, this was not a Public Hearing. What generated the need for it to not be versus what would have generated to become a Public Hearing?

Tim Nicholson: Yes, that's what I'm asking.

Seth Thompson: Really, this has already gone through the process once, so we were dealing with a revision, as opposed to the initial process.

Tim Nicholson: Right and the idea would be that when they come back again, with the Master Plan Revision or whatever, the public would have an opportunity to comment at that time.

Seth Thompson: This was also the Preliminary, so they would come back with Final and it looks to me, that they're going to have to come back here for Final and then it's going to go to Council.

Don Mazzeo: We'll make a recommendation based upon the hearing of the evidence, as it's presented to us by Applicant and then we make a recommendation to Town Council, Mayor and Council, to accept or reject. It depends upon the conditions.

Tim Nicholson: Accept or reject. Right.

Bob Kerr: It is my understanding that the Master Plan will be redone and recorded at another time; not as part of this. They are working with the new owners trying to figure out what the mix of units will be for the remaining phases. One of the things that they discussed and I don't think it's speaking out of school or whatever that term is; is doing away with some of the back alleys and having more front loaded lots, rather than having an alley to maintain. That's one of the things apparently that they're looking at. But the total number of lots will not change. It's 425, I believe it's 425 units, is the most that can be placed on that property.

Don Mazzeo: It could be less, it will not be more; without them coming back to this Commission and probably several others, at that point.

Bob Kerr: Yes.

Linda Edelen: Is there a minimum? That's never stated.

Bob Kerr: No.

Don Mazzeo: Oh no. No. Someone could put up 400 homes on 400 acres or one home on 400 acres. As long as it meets the criteria for the zone that they're in. You've got to go back to your Code. I have my book. Everybody should have their books.

Bob Heinrich: Wonderful bedtime reading.

Don Mazzeo: If you get bored some evening, really get bored, pick that one up, you'll go to sleep.

Linda Edelen: I was talking, specifically, about this project.

Bob Kerr: This project is because of the LPD (the Large Parcel Development), there's a set of conditions that based on the size of this property, the original developer and Mayor and Council agreed that 425 units is the maximum that can be built on this property. If someplace along the way, in the revised layout, it comes up to 400, even with them needing more townhouses, so that there's land leftover, then it becomes more open space; but there can't be 426.

Don Mazzeo: That's filed by deed, I gather.

Bob Kerr: The conditions on the left side of the cover sheet are also on the

Master Plan that was recorded in the Recorder of Deeds. It stays with the property as it may be sold or whatever happens to it.

Don Mazzeo: Any other questions, comments, anybody would like to propose any changes potentially; think about it. We can bring this back to the next meeting if you would like to put it back on the agenda, assuming we have time. It's an open discussion. We could have this almost at every meeting, if you so desire, quite honestly.

Lynn Ekelund: Well, I certainly wouldn't mind the meeting starting at 6:30 p.m., rather than 7:00 p.m.

Planning & Zoning Commission: I would agree with that.

Tim Nicholson: That's a good one.

Don Mazzeo: The Commission runs it's own agenda, per se, and it's own time slot, as long as the Library, currently we're using the Library, as long as it's available. Is there any reason starting next month that we can not change this to 6:30 p.m.?

Bob Heinrich: Should we vote on it?

Seth Thompson: You really don't need to.

Don Mazzeo: No, because it's a policy. We're just saying, okay we're going to change the policy. Our meetings will now effectively in the month of April begin at 6:30 p.m. Does that have a negative for the professionals? That way you can get home earlier.

Linda Edelen: Which is always good.

Don Mazzeo: Okay, we are now going to start at 6:30 p.m. Robin did also pass out a listing of the names of the folks that are on the Commission. Please note that Mr. Gene Steele has requested not to be reappointed to another term.

Bob Heinrich: Oh. When is his term up?

Robin Davis: April.

Don Mazzeo: Ours are too. Mine too.

Robin Davis: Not this year. Don't worry about it.

Don Mazzeo: You're an indentured servant.

Bob Heinrich: Oh.

Don Mazzeo: Lynn was at the meeting on the first night and nobody wanted to take the Chair position.

Bob Heinrich: Which one was that?

Don Mazzeo: You weren't here yet. The previous chairperson declined to accept the position again. There was a lot of silence for about 10 minutes, I think.

Tim Nicholson: Everybody looking at each other.

Lynn Ekelund: Actually, I really had a good strategy. I said, well I'll be Secretary. Then I was safe.

Don Mazzeo: Wait a minute, we do have a chair position opening up again in May, I believe.

Robin Davis: Yes, I think in April. I think we have to do it every year.

Don Mazzeo: Is it April or May?

Robin Davis: I think it's April every year, because that's when the new members are actually appointed.

Don Mazzeo: I'm just looking and here is Dick no longer a member. Has he resigned or not accepted reappointment?

Robin Davis: He actually, physically, resigned, but stayed on until we did have... When Tim came on.

Don Mazzeo: So in effect, he has now resigned. So this is 1, 2, 3, 4, 5 members of the Planning & Zoning Commission for the Town of Milton and I would ask that any of the members who are here, which is everybody, if you cannot make a meeting, please contact myself or Robin directly, so that we know ahead of time should there be a possibility that we don't have a quorum.

Bob Heinrich: Just so you know, I'm not going to be here in May or July. I've got vacation scheduled. I may be able to make July, but May is definitely out.

Don Mazzeo: Well by then, we may not have anything on the agenda anyway.

Bob Heinrich: Yeah.

Don Mazzeo: As things work out. Okay, any other comments, questions, concerns?

Bob Heinrich: Why is Gene's name on here, if he resigned.

Robin Davis: Because as of today, he's still a member. You'll get another one next month.

Lynn Ekelund: At 6:30 p.m.

Don Mazzeo: There's one other item that I would just like to bring up. Robin reminded me of it. We, the town, are in the process, actually Win Abbott is in the process, of redesigning the website; or it's already in the process of being redesigned and it may be up and running in some portions. But anyway, he has requested that any member of Committee, who would like to see something for the committee that they're on to be expanded upon within the website to contact him directly. I would prefer that you would either contact me or Robin and we'll filter it through us and then get it back up to Win. I don't know why he didn't provide this to everybody.

Robin Davis: He did.

Don Mazzeo: Okay, so he did. So if you have anything that you would like to put in there, feel free, because it's going to be as comprehensive as practical; because as I understand it, there's almost unlimited space for the purposes of what we're looking at now; compared to what it was in the past and hopefully the agendas and the minutes and everything will be starting to show up in a more timely fashion on the website. If you have any comments to that affect, please forward them along. Anything else?

7. Adjournment

Don Mazzeo: I'll entertain a motion to adjourn.

Bob Heinrich: I make a motion to adjourn at 7:54 p.m.

Lynn Ekelund: Second.

Don Mazzeo: We have a motion and a second to adjourn. All in favor say aye.

Opposed. Motion carried. Thank you ladies and gentlemen.